MEETING NO. 2008-09: The Regular meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7 p.m. by Mayor Bruce Botelho.

I. **FLAG SALUTE** was led by Mayor Bruce Botelho.

II. **ROLL CALL**

Assembly Present: Jonathan Anderson, Bruce Botelho, Jeff Bush, Sara Chambers, Johan Dybdahl, Merrill Sanford, David Stone, Randy Wanamaker.

Assembly Absent: Bob Doll.

Staff Present: Rod Swope, City Manager; Kim Kiefer, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Roger Healy, Engineering Director; Craig Duncan, Finance Director; Wendie Marriott, Centennial Hall Manager; Angela Hull, Executive Assistant; John Stone, Port Director.

III. **SPECIAL ORDER OF BUSINESS**

A. **Employee Recognition**

Fran Vlahos-Rohm was recognized by Rod Swope, Kim Kiefer and Angela Hull for her 15 years of service to the City and Borough of Juneau upon her retirement, which included work on the CBJ landscaping crew and in the City Manager’s office. She provided excellent customer service and care for her co-workers.

IV. **APPROVAL OF MINUTES**

A. March 5, 2008 – Special Meeting 2008-06

Hearing no objection, the minutes of the March 5, 2008, Special Assembly Meeting 2008-06 were approved.

B. March 10, 2008 – Regular Meeting 2008-07

Hearing no objection, the minutes of the March 10, 2008, Regular Assembly Meeting 2008-07 were approved.

C. March 19, 2008 – Special Meeting 2008-08

Hearing no objection, the minutes of the March 19, 2008, Special Assembly Meeting 2008-08 were approved.

V. **MANAGER’S REQUEST FOR AGENDA CHANGES** – None.

VI. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS.**

Patrick Mason, Mendenhall Valley, spoke about his concern that the Assembly was using Robert’s Rules of Order to conduct business instead of the Mason’s Rules. He said that Robert’s Rules are for small groups only, and that Mason’s Rules should be used by governments. He felt that the action to adopt Ordinance 2008-05 regarding Smoking in Public Places could be called into question, as well as all actions of the Assembly since the adoption of Robert’s Rules of Order, particularly when taking
action by calling for unanimous consent. The Assembly was doing a disservice to the public by using improperly applied rules.

Mr. Anderson asked if the concern about unanimous consent was the lack of a roll call vote. Mr. Mason said there was a great difference between the parliamentary rules between Roberts and Masons. He was concerned that the Assembly not make itself susceptible to challenges. The Assembly should have the people’s vote on controversial issues, and Mason’s Rules allow for more public process, such as requiring a third hearing of legislation.

Robert Garrison, 300 Hermit, Apt. 9, said while picking up litter this weekend, he left a pile of filthy rags near the Gold Street bridge as a statement that this area needs attention. He gathered the litter, but did not remove it to the landfill so that people could see the problem. There are people living under the bridge area there, he found toilet paper. The mess was picked up and moved, perhaps by the police. He also clears the area by the Standard Oil Dock where the alcoholics hang out. This goes on all the time. He was to the point where picking this up was almost beyond him anymore. Bob Cross, Dick Arnold and he had been picking up litter in the community for many years. He asked that we rename the trash barrels “Chuckit Buckits” in order that the spelling error would catch people’s attention and get them to use the containers. There is a problem trash container on the University side of the sky bridge by the high school and no one seems to take responsibility for it – it becomes full and a nuisance. There are areas around town in which people hang out and create nuisances, including crime and litter. He spoke about the fenced area under Calhoun that is a problem.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

MOTION, by Wanamaker, to adopt the consent agenda as presented. Hearing no objection, it was so ordered.

1. Ordinances for Introduction

a. Ordinance 2008-10

An Ordinance Amending The Harbor Administration Code Relating To Vehicle Parking And Providing For A Penalty.

Administrative Report: Attached. The manager recommended Ordinance 2008-10 be introduced and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2008-11

An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of Alaska Tidelands Survey No. 1503, Located Near Egan Drive At Approximately 2.5 Mile.

Administrative Report: Attached. The manager recommended Ordinance 2008-11 be introduced and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2008-12

An Ordinance Amending The Official Zoning Map To Change The Zoning Of Lot 9 Block 225 Of Casey-Shattuck Addition To The Townsite Of Juneau From (D-5) Residential To (LC) Light Commercial.

Administrative Report: Attached. The manager recommended Ordinance 2008-12 be introduced and set for public hearing at the next regular Assembly meeting.
d. Ordinance 2008-13
An Ordinance Establishing The Rate Of Levy For Property Taxes For Calendar Year 2008 For The Budget For Fiscal Year 2009.

Administrative Report: Attached. The manager recommended Ordinance 2008-13 be introduced and referred to the Assembly Finance Committee.

e. Ordinance 2008-14
An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2009 School District Operations.

Administrative Report: Attached. The manager recommended Ordinance 2008-14 be introduced and referred to the Assembly Finance Committee.

f. Ordinance 2008-15
An Ordinance Appropriating Funds From The Treasury For Fiscal Year 2009 City And Borough Operations.


g. Ordinance 2007-21(AV)
An Ordinance Transferring $69,400 To The Marine Passenger Fee Fund, The Source Being Unexpended FY07 Marine Passenger Fees Budgeted To The General, Visitor Services, And Roaded Service Area Funds.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(AV) be introduced and set for public hearing at the next regular Assembly meeting.

h. Ordinance 2007-21(AW)
An Ordinance Appropriating To The Manager The Sum Of $4,453 As Funding For The Acquisition Of Alcohol Breath Testing Equipment, Grant Funding Provided By The Alaska Department Of Transportation And Public Facilities.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(AW) be introduced and set for public hearing at the next regular Assembly meeting.

i. Ordinance 2007-21(AY)
An Ordinance Appropriating To The Manager The Sum Of $1,521,235 As Partial Funding For Phase II Of The Glacier Valley Elementary School Capital Improvement Project, Funding Provided By General Obligation School Bond Interest Income.

Administrative Report: Attached. The manager recommended Ordinance 2007-21(AY) be introduced and set for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2438
A Resolution De-Appropriating $1,659,500 From The Wildlife Hazard Project At Juneau International Airport.

Administrative Report: Attached. The manager recommended Resolution 2438 be adopted.
3. Transfers

a. Transfer T-873
Transferring $5,625 in General Sales Tax from Centennial Hall Capital Improvement Projects (Chair Replacement, Table Replacement, and Sound System Design) to Centennial Hall Electronic Marquee.

Administrative Report: Attached. The manager recommended Transfer T-873 be approved.

b. Transfer T-874
Transferring $6,204 in Sewer Funds from Mendenhall Treatment Plant Improvements Capital Improvement Project to Mendenhall Waste Water Treatment Plant (MWWTP) Odor Management and Twin Lakes Pump Station CIPs.

Administrative Report: Attached. The manager recommended Transfer T-874 be approved.

c. Transfer T-876
Transferring $196,605 in General Sales Tax, Areawide Sales Tax, Water Fund, and Sewer Fund from Twelve Completed Projects to Seven On-Going Projects.

Administrative Report: Attached. The manager recommended Transfer T-876 be approved.

4. Bid Awards

a. Bid Award E08-142
West Mendenhall Valley Sewer, Phase 1, LID 98

Administrative Report: Attached. The manager recommended award of this project to Southeast Earthmovers, Inc., in the amount of the Base Bid and Additive Alternate No. 1, for a total award of $1,631,892.

VIII. PUBLIC HEARING

A. Ordinance 2008-08
An Ordinance Authorizing The Port Director To Negotiate And Execute A Lease Of Approximately 40,510 Square Feet Of Land Within U.S. Survey 16, For Operation Of The Auke Bay Boatyard, Travel Lift, And Related Equipment And Improvements At Dehart’s Marina In Auke Bay.


Public Comment: None.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2008-08, and he asked for unanimous consent. Hearing no objection, it was so ordered.

B. Ordinance 2008-21(AU)
An Ordinance Appropriating To The Manager The Sum Of $1,120,000 As Partial Funding For The West Mendenhall Valley Sewer Expansion Project, Grant Funding Provided By The Alaska Department Of Environmental Conservation.

Public Comment: None.

Assembly Action:

*MOTION*, by Sanford, to adopt Ordinance 2007-21(AU), and he asked for unanimous consent. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Contract Amendment

**Engineering Services To Assist With The Construction Of The Auke Bay Loading Facility.**

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

*MOTION*, by Dybdahl, to approve the amendment to the contract with Peratrovich, Nottingham, Drage to include engineering services for the Auke Bay Loading Facility.

Mr. Bush asked if this amendment was approving what was approved a year ago. Mr. Swope said this amendment approved additional work beyond the scope of the existing contract.

Hearing no objection, it was so ordered.

B. Docks and Harbors Regulations

**Small Boat Harbor Fees and Charges Residency Surcharge**

Administrative Report: Attached. The manager made no recommendation.

Public Comment: None.

Assembly Action:

*MOTION*, by Dybdahl, for orders of the day.

Mr. Anderson asked Mr. John Stone about the issue of property tax on residential use of vessels. Mr. John Stone said they were trying to make this issue more clear. Mr. Anderson asked how harbor staff determined when a vessel was being used as a residence. Mr. John Stone said that most people comply with the honor system, we have tried to be equitable and gauge fees based on use, some will try to escape fees and when we see they are living there, using dumpsters, filling water tanks, in those cases we may get into debates, and we start to monitor their residency. Most will admit after we have checked a bit, or they will show where they live on land, and we look at rent bills or property tax bills. Previously if you could show you owned upland property, you could use this as evidence, but this is just a start of evidence. People will go to great lengths to avoid paying fees.

Mr. Anderson asked if he spent four Friday nights on the boat, would he have to pay residence fees. Mr. John Stone said theoretically, that would need to be determined. A vessel was being used as an abode when it was used as a place to cook, eat and sleep. It was rare they started any action with people who spent a weekend on their boat; we pursue those people who are clearly living on their boat.
Mr. Anderson said he would be more comfortable if it was more clearly spelled out what “used as a residence” meant. Mr. John Stone said the regulations referred to dwelling situations with the duration of three or more days in a calendar month. Mr. Anderson was uncomfortable with that definition.

Mr. John Stone pointed to section (a)(2), of the regulations on page two, which stated that the harbormaster could grant written permission for short term residence if not more than seven days in one month. Mr. John Stone said that those who spend a weekend or two on their boats were generally not a problem; they were looking at those who are living on their boats daily for extended periods of time.

Mr. Anderson said he would not object further.

Hearing no objection, the regulations were approved.

XI. STAFF REPORTS – None.

XII. ASSEMBLY REPORTS

A. Committee Reports

*Finance Committee:* Chair Stone said the next meeting would be Wednesday, April 9, 5pm in the Chambers.

*Public Works and Facilities Committee:* Vice Chair Anderson said PWFC met today, reviewed staff’s STIP comments and approved them with minor editing. Staff did bring forward various items that were currently in Senate Bill 221 as amended at the moment, and included money for Gastineau Crossing EIS, Glacier Highway roundabouts and sidewalks, Fritz Cove Road and Thane Road maintenance.

*Human Resources Committee:* Chair Chambers said the HRC met prior to this Assembly meeting and made the following recommendations:

*MOTION,* by Chambers, to appoint Stuart Rickey and Mary Kay Pusich to the Douglas Advisory Board, terms to expire September 30, 2010. Hearing no objection, it was so ordered.

*MOTION,* by Chambers, to appoint Dave Hanna to the Commission on Sustainability, for the unexpired portion of this term and to the following term ending June 30, 2011. Hearing no objection, it was so ordered.

*MOTION,* by Chambers, to appoint Judith Porter and Joan Cahill to the vacant seats on the Personnel Board, terms to expire January 31, 2011. Hearing no objection, it was so ordered.

Ms. Chambers said the HRC wanted to recognize and thank Hugh Grant and Cindy Spanyers, both who had provided over 12 years of service to the Personnel Board and who had reached their term limits.

Ms. Chambers asked Mayor Botelho if there was any information on the Performing Arts Center Commission and he said not at this time.

B. Liaison Reports

*Bartlett Regional Hospital Board:* Liaison Sanford said the Hospital has finished labor negotiations, and is very close to finalizing Phase 1 of construction and is in Phase II. Hospital Administrator Shawn Morrow has toured Southeast towns, including Petersburg, Wrangell, and others, to see how Bartlett can help the smaller communities. He has opened up communications with SEARHC.

*Docks and Harbors Board:* Liaison Dybdahl said the Board met March 27; one item was the Board was interested in Marine Passenger Fees, and how to best make their case to the Assembly Finance
Committee. Mr. Sanford said that though the ordinance passed to eliminate the MPF committee, there would still be a list developed by the city manager, prior to working with the Finance Committee. He recommended that the harbors board work with the manager early. Mayor Botelho said he had just received a communication from the Airport Board about its interest in the Marine Passenger Fees. He did not want the boards to think they could end run the manager in the process. Mr. Swope said the process was that people were to provide their recommendations to him. He did ask them for their input along with others, including the cruise industry. The list would be coming to the Finance Committee, along with all the other requests that were not included in his recommendations. The airport came to him a few days ago with a request that he did not have an opportunity to consider earlier.

Parks and Recreation Advisory Committee: Liaison Anderson said PRAC met and discussed the Savikko Park Master Plan.

Planning Commission: Liaison Anderson said the next meeting was Tuesday, April 8, at 7 pm. to review the transit center and downtown parking garage. The PC had not decided on how to proceed with the off-road vehicle park.

Airport Board: Liaison Stone said the next meeting would be Wednesday, April 9, at 7 pm.

C. Presiding Officer Reports

Mayor Botelho set the appeal hearing date for the Corrigan/Pusich v Planning Commission Appeal regarding cottage housing on Monday, May 19, at 6pm. He said this was done to meet the interests of the Assembly to see matters on appeal resolved quickly. This pre-empted a tentative Committee of the Whole, and Mayor Botelho said that if there were issues which required a COW meeting, it could follow the appeal hearing.

Mayor Botelho proposed the idea of setting aside one Saturday in May to take the place of two or three Wednesday evening Finance Committee meetings. He suggested May 10, in lieu of May 7, 14 and 21. Mr. Swope distributed Finance Committee meeting schedules to the members.

Mr. Sanford said he did not object, however, he worried that the whole process was being condensed from the time the Assembly had spent in the past, and as this was a primary job of the Assembly, he feared that with less time spent, there would be less understanding gained and less oversight of the budget.

Mr. Stone said he understood the concerns, however, it would be helpful to have full participation of the members, and this schedule could ease Mr. Dybdahl’s and Ms. Chamber’s participation.

Mr. Anderson asked if full participation was a reason for the proposal. Mayor Botelho suggested that there may be better continuity to addressing several issues by hearing presentations during one day than over three days.

Mr. Bush asked if it was the intent to keep the items to be covered the same or shifted. A lengthy Saturday meeting might be appropriate for incremental grant request items rather than the traditional agency budget presentations – so it might make sense to do some shuffling.

Mr. Anderson did not object, but it seemed that the enterprise boards may need separate hearing.

There was not objection to May 10, so Mayor Botelho asked Mr. David Stone to work with Mr. Duncan and Mr. Swope to reduce at least two Wednesday meetings in May.

Mr. Wanamaker offered the possibility of the Assembly meeting with Mr. Wheeler of Coeur on June 5 to hear Coeur’s economic forecast and answer any questions the Finance Committee might have.
Mr. Anderson said that beginning May 15; he would not be available Thursday nights.

Mayor Botelho asked Mr. David Stone to review the calendar for a response to Mr. Wanamaker’s inquiry.

XIII. ASSEMBLY COMMENTS AND QUESTIONS

Mr. David Stone said he attended the Memorial Service for Judge Thomas Stewart, and the community was lucky to have such a wonderful man contribute so much to Juneau. He asked Mr. Hartle for a response about the concern regarding Robert’s Rules of Order. Mr. Hartle said he would look into this more and provide a response. The Assembly previously used Mason’s rules, and about six years ago, switched to Robert’s. Mayor Botelho said that under Masons’ the Assembly also used “unanimous consent,” it was a time honored rule under either set of rules.

Mr. Bush asked the staff to respond to Craig Mape’s letter regarding North Douglas sewer assessments.

Mr. Anderson thanked Mr. Garrison for his work to keep the community clean, and asked staff to determine the ownership of the offending trash barrel near the sky bridge.

Mr. Sanford reported that the ad-hoc committee of himself and Mr. Dybdahl, Budd Simpson and Greg Fisk of the Harbor Board had met. The Docks and Harbors staff is working to hire a facilitator that will conduct a meeting with all of the concerned parties from the Steamship Wharf area to Gold Creek, including the cruise industry, the Mental Health Trust, Goldbelt, and any others that might have concerns. From this they would move into a public meeting process to show the different proposals, and from this they hoped to have a direction by December of 2008. Mayor Botelho thanked this group for its time and participation.

Mr. Anderson said it would be good to see the list of the invitees to the facilitated meeting, which will take place before the public process. Mr. Sanford said the date was not set yet, but the meeting would be open for the public to listen to the facilitated discussion of the involved parties.

Mr. Sanford reported on the Southeast Conference Mid-Session Summit, and on the concern that many communities in Southeast are suffering economically. He referred to a Sealaska study on this topic, and would like staff to access a copy of the study for the Assembly to consider. He said as the “bigger brother” in the community of Southeast we should be looking at ways to make sure this economic devastation does not happen.

Mr. Wanamaker agreed on the regional importance of being good neighbors and offered his assistance to staff to get the report if needed.

The Assembly took a short break to consider a draft letter on the transportation bond proposal at the state level. Hearing no objection, the letter would be sent.

Mr. Sanford thanked the mayor for clarifying Juneau’s position on Juneau Access to DOTPF and the Corps of Engineers in recent letters.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Joyce Thorson, Downtown Juneau, spoke regarding her concern about what she saw as a growing problem of graffiti and tagging around town. Once graffiti shows up it keeps escalating. Someone is marking their territory and this activity needs to be addressed.

Mr. Dybdahl asked about the term “tagging.” She said people marking the property or area with their name or tag. Many cities have this problem. Several private properties were damaged as well as public
properties, and the water side of the Perfume Shop had been painted. A lot of it was recognizable as the same marking.

Mr. Swope said that her comment was timely as he had an appointment to talk with JPD the next morning about this issue and they would be discussing remedies, including possibly offering a reward for information. On the city buildings, staff did their best to get rid of it immediately.

Mr. Swope reported on Thursday’s newspaper article about legislative hall bill stalling out due to increasing costs of construction – what was originally a $40 million dollar project was now at $80 million dollars a year later, and this illustrated the rapidly escalating costs of construction.

Mr. Sanford said graffiti went through cycles and in his younger days when children were caught doing “dumb things,” they spent many hours of community service sanding and repainting these places – it was a way to learn a lesson that he suggested employing now.

XV. EXECUTIVE SESSION – None.

XVI. ADJOURNMENT – 8:13 p.m.

Signed: _______________________________  Signed: _______________________________
  Laurie Sica, Municipal Clerk                 Bruce Botelho, Mayor